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one. In preparing his history of contractual actions, he has had the wisdom to draw largely from the scholarly "History of Procedure" by Mr. Bigelow, and from the learned articles contributed to the pages of the *Harvard Law Review* by Professor Thayer and Professor Ames. He has kept in touch with the latest additions to the literature of his subject, and references are numerous to Pollock and Maitland's History of English Law. He has resisted with admirable determination what must have been the constant temptation to dwell longer than was consistent with the symmetry of his treatise upon particular portions of his work. On every page there are fresh evidences of the author's truly remarkable powers of condensation and concise statement. An admirable illustration of this is the opening paragraph of the chapter on the Construction of Contracts. In the paragraphs that follow he has compressed within narrow limits the general rules of construction, and has treated in most satisfactory fashion the difficult subjects of "Impossibility," "Reasonableness," "The Essence of the Contract," "Penalties and Liquidated Damages," and "Notice." The chapter in which the author is seen, perhaps, at his best is Chapter IV. on "Conditions." In this chapter the reader will find good specimens of the author's analytical ability, of his critical faculty and his capacity for clear statement.

The book is intended to be used in connection with a study of cases. In addition, therefore, to the references to the original reports, the author has added references to Langdell and Williston's Cases on Contracts and to Huffcut and Woodruff's American Cases on Contract. With either of these admirable collections of cases in hand and with Professor Harriman's little book to guide him, the student will be able to find his way far more readily than has heretofore been possible through the mazes of our contract law.

G. W. P.

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ELEMENTS OF THE LAW OF TORTS. By MELVILLE M. BIGELOW, Ph. D., LL. D. Sixth Edition. Boston: Little, Brown & Company. 1896.

This standard work, as it now appears, is in reality a new contribution to the subject by virtue of the contents of the opening chapters in which the author presents a general doctrine or theory of the law of torts based on what he styles "primary forces or elements of liability," to wit: (1) fraud or malice, as means or motive to conduct; (2) intention, considered without regard to means or motive; (3) negligence. The subject is now considered with reference to this general doctrine, specific torts being classified according to these primary elements of liability.

The author commends the division of duties made by Mr. Harriman in his work on contracts into "consensual or recusable" and "irrecusable or paramount," giving rise in the first instance to the domain of contract and in the second to the domain of torts, and

accordingly considers the subject from the point of view of breach of duty. The work is thus divided into three parts—Breach of Duty to Refrain from Fraud or Malice, Breach of Absolute Duty, Breach of Duty to Refrain from Negligence.

While the treatment of specific wrongs does not differ materially from that of the previous editions, it has been carefully revised and brought up to date. The citations are copious and the typographical work excellent.

*J. A. M.*

JURISDICTION, PRACTICE AND PECULIAR JURISPRUDENCE OF THE COURTS OF THE UNITED STATES. By BENJAMIN ROBBINS CURTIS, LL.D. Second Edition. Revised and Enlarged by HENRY CHILDS MERWIN. Boston : Little, Brown & Company.

It is seldom that the perusal of a legal treatise conveys any considerable amount of satisfaction to our literary senses. The modern law book, under the weight of the rapidly multiplying decisions, very generally assumes the form of a digest, which, though a necessity for the purposes of every day practice, is not an addition to the store of legal literature. Turning the pages of one of our more recent productions, one is confronted with evidences of the high pressure under which work has to be done nowadays, and the carefully condensed headings and columns of innumerable citations speak in no uncertain tone of the rush of mercantile life whose influence has left such apparent traces upon the writings of the law.

It is then with the greatest pleasure that one turns to such a book as Judge Curtis's "Jurisdiction of the United States Courts," written by a master of legal style and combining with a very able discussion of the subject, the highest literary merit.

The origin of the work was a course of lectures delivered before the members of the Harvard Law School in 1872, which lectures were subsequently edited by George T. Curtis and Benjamin R. Curtis, respectively the brother and son of the eminent jurist, Judge Curtis. Owing to the fact that the revised statutes had gone into effect in the interim, considerable additions had to be made in the way of notes, but the original was as closely adhered to as possible.

Though not claiming to be exhaustive of the subject of which it treats, the book is sufficiently so for the ordinary use of the practitioner, and the simplicity of the style and easy flow of the language makes it admirably adapted for the purposes of the student.

Such important changes have taken place in this branch of the law since 1880, that a new edition became absolutely necessary in order to preserve the usefulness of the work, and the present editor, Mr. Henry Childs Merwin, has been eminently successful in bringing the authorities to date, while changing as little as possible the context.

The subject is dealt with in eleven chapters and under the fol-